

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MEMORANDUM AND ORDER

Before the Court is the plaintiff's motion for leave to proceed in forma pauperis. Because the plaintiff is unable to pay any portion of the filing fee, her motion will be granted. However, for the reasons discussed below, the Court finds that it lacks subject matter jurisdiction. Therefore, this action will be dismissed pursuant to Rule 12(h) of the Federal Rules of Civil Procedure.

In her complaint, plaintiff alleges that her ex-husband and his mistress have been stalking her and have caused her both physical and economic injuries. She seeks monetary and injunctive relief. It appears from the complaint that plaintiff and all defendants are citizens of Missouri.

“Federal courts are courts of limited jurisdiction. The requirement that jurisdiction be established as a threshold matter springs from the nature and limits of the judicial power of the United States and is inflexible and without exception.” *Kessler v. Nat'l Enterprises, Inc.*, 347 F.3d 1076, 1081 (8th Cir. 2003) (quotation marks omitted); see *Kuhl v. Hampton*, 451 F.2d 340, 342 (8th Cir. 1971) (federal courts “were not established to mediate any and all types of complaints and alleged wrongs.”).

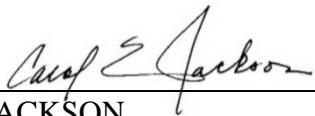
The allegations of the complaint assert a cause of action based solely on state tort law. There are no allegations suggesting that plaintiff's claim arises under the Constitution or laws of the United States. As such, there is no federal question jurisdiction. *See* 28 U.S.C. § 1331. Further, the dispute in this case is not between citizens of different states. Therefore, diversity of citizenship jurisdiction under 28 U.S.C. § 1332 is absent.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis [ECF No. 2] is **GRANTED**..

An Order of Dismissal will be filed separately.

Dated this 8th day of December, 2015.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE